

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GEORGE W. ANDREWS, et al.,

Plaintiffs,

v.

HOME DEPOT, U.S.A., INC.,

Defendants.

Hon. Dennis M. Cavanaugh

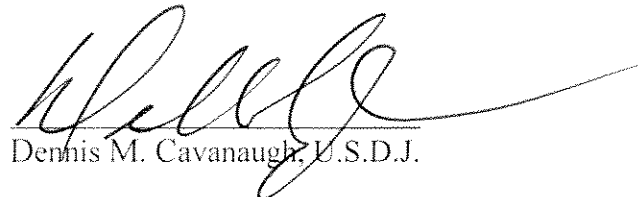
ORDER

Civil Action No. 03-CV-5200(DMC)

This matter coming before the Court upon motion by Defendant Home Depot, U.S.A., Inc. to dismiss Plaintiffs' Section 1981 Class Claims and to strike all claims in Plaintiffs' Amended Complaint. Defendant filed this motion in 12-point with this Court's permission and Plaintiffs objected. Pursuant to Judge Falk's Scheduling Order of March 26, 2008, all discovery must be completed by June 25, 2008 and Plaintiffs object to the burden of opposing Defendant's motion while also conducting depositions under this deadline. After a telephone conference on the issue,

IT IS on this 17 day of April, 2008;

ORDERED that Defendant Home Depot, U.S.A., Inc.'s motion to dismiss is **denied without prejudice**, and Defendant is free to submit same once the subject depositions have been completed.



Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File